

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAN BUNKERING (AMERICA) INC.	§	
Plaintiff,	§	
	§	
	§	
	§	
	§	
V.	§	CIVIL ACTION NO.: 4:20-cv-00321
	§	IN ADMIRALTY, Rule 9(h)(C)
	§	
SWIBER MARINE MEXICO, S.A. DE	§	
C.V., RANGER OFFSHORE, INC.,	§	
<i>IN PERSONAM</i>	§	
AND M/V SWIBER ADA <i>IN REM</i>	§	
	§	
Defendants.	§	

VERIFIED AMENDED COMPLAINT

Dan Bunkering (America) Inc., files its Verified Amended Complaint against *M/V Swiber Ada* (“the Vessel”) *in rem*, Swiber Marine de Mexico, S.A. de C.V., and Ranger Offshore, Inc., *in personam*, stating an admiralty and maritime claim pursuant to Rule 9(h) of the Federal Rules of Civil Procedure and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims, and shows the following:

I. JURISDICTION, VENUE AND PARTIES

1. Jurisdiction is proper in accordance with 28 U.S.C. §1333, Rule 9(h) of the Federal Rules of Civil Procedure, and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims. Venue is also proper in this district in accordance with 28 U.S.C. §1391(b)(2) and (d) and Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims.

2. Plaintiff, Dan Bunkering (America) Inc. (“Dan Bunkering”) is engaged in the business of selling and supplying bunker fuel to vessels, and is incorporated under the laws of Texas, with its principal office at 840 Gessner, Suite 210, Houston, Texas 77024.

3. Defendant, Swiber Marine de Mexico S.A. de C.V. (“Swiber”) is the owner of the Vessel, and is incorporated under the laws of Mexico, with its principal office at Calle 2 Ote. Mz. G Lt. 2, Puerto Pesquero, Ciudad del Carmen, Campeche 24129, Mexico.

4. Defendant, *M/V Swiber ADA*, a Mexican flag offshore supply ship, IMO 9502154, Mexican flag (*matricula* 04023195324), registered in page No. 0082-CC-14 of the Mexican Maritime Registry Authority (*Registro Publico Maritimo Nacional*).¹

5. Defendant, Ranger Offshore, Inc. (“Ranger”) is a charterer and operator, and is incorporated under the laws of Texas, with its principal office at 10370 Richmond Ave, Houston, Texas 77042.

6. Upon information and belief, the Vessel is or will soon be, within the jurisdiction of this Honorable Court.

II. FACTUAL BACKGROUND

7. In the fall of 2018, Dan Bunkering entered into a bunker supply agreement with Ranger. Ranger ordered marine fuel from Dan Bunkering and failed to pay Invoice No. 61273 for \$405,999.01.² Pursuant to Bill of Lading No. 18/0075, on September 11, 2018, 80,600 gallons of fuel were delivered to and for the benefit of the Vessel.³

8. Both Swiber and Ranger benefited from the marine fuel consumed by the Vessel ordered by Ranger and sold by Dan Bunkering.

¹ Certificate No. 142/2020 issued by the Mexican Maritime Registry Authority (*Registro Publico Maritimo Nacional*) with the name of the Vessel, “Swiber ADA” and its registered owner Swiber Marine Mexico, S.A. de C.V. (Exhibit 1).

² Invoice No. 61273 for \$405,999.01. (Exhibit 2).

³ Bill of Lading No. 18/0075. (Exhibit 3).

9. Invoice No. 61273 for \$405,999.01 remains outstanding, plus all applicable fees, interest, and costs.

10. As a result of the foregoing, Dan Bunkering has a valid maritime lien against the vessel for the provision of necessities.

III. RULE C ARREST

11. Pursuant to Rule C of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions to the Federal Rules of Civil Procedure 46 U.S.C. § 31341, *et. seq.*, Dan Bunkering has a maritime lien against the Vessel for the amount of \$405,999.01 for provisions of necessities, specifically marine fuel, to the Vessel at the request of and upon order of her owner, which may be enforced by the *in rem* seizure of the Vessel, pursuant to Federal Rules of Civil Procedure Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Foreclosure Actions. Therefore, Dan Bunkering requests that process in due form of law, according to the practices of this Court is issued against the Vessel, her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc.

12. All the foregoing premises are true and correct and within the Admiralty and Maritime Jurisdiction of this Honorable Court.

WHEREFORE, Dan Bunkering (America) Inc. prays:

(1) That process in due form of law, according to the practice of this Court in cases of admiralty jurisdiction issue against the Vessel her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc., Swiber and Ranger.

(2) That a judgment be entered in favor of Dan Bunkering (America) Inc. against the Vessel, her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc., and judgement *in personam* against Swiber and Ranger;

- (3) That the Court retain jurisdiction over the Vessel, within the District in order to enter a judgment upon any decree in these proceedings;
- (4) That the “necessaries” provided by Dan Bunkering (America) Inc. declared to be a valid and subsisting lien upon the Vessel, her engines, machinery, tackle, apparel, equipment, rigging, and all other necessary appurtenances, and freight, etc., and all other equipment and necessities belonging and appurtenant thereto, which to the extent permitted by applicable law is prior and superior to other potential interest, liens or claims of any and all persons, firms or corporations whatsoever;
- (5) That Dan Bunkering (America) Inc. be awarded its attorneys’ fees and costs of this action; and
- (6) That Dan Bunkering (America) Inc. be granted all such other and further relief as equity, justice and the nature of this case will allow.

DATED this June 9, 2020.

**FOLEY GARDERE
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**ATTORNEYS FOR PLAINTIFF,
DAN BUNKERING (AMERICA) INC.**

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VERIFICATION

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. My name is Jim Feldtskov Behbahani Jensen. I am over the age of 21, of sound mind, and have never been convicted of a felony. I am the President and Managing Director for Dan Bunkering (America) Inc., Plaintiff herein.
2. I have read the foregoing Verified Amended Complaint and know the contents thereof.
3. Based upon my own personal knowledge and upon documents and correspondence kept in the ordinary course of business, the information contained therein is true and correct.
4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of June 2020.



Jim Feldtskov Behbahani Jensen,
President and Managing Director